

Joanne Phillips Hall
C/- Prescott Architects
U9, 37 Nicholson Street
EAST BALMAIN NSW 2041

D359/14
HS1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 359/14/4 – APPROVAL**

Development Consent Number: 359/14/4

Land to which this applies: 5 Bank Street, North Sydney
Lot No.: 2, DP: 874446

Applicant: Joanne Phillips Hall, C/- Prescott Architects

Proposal: A Section 4.55 (1A) Application to modify DA359/14 with regard to minor internal changes involving a new laundry to replace a cupboard and the retention of an existing entrance way.

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **359/14** and registered in Council's records as Application No. **359/14/4** relating to the land described as **5 Bank Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 August 2015, has been determined in the following manner: -

1. Modify Condition A1 to read as follows:

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Drawn by	Received
A0002	O	Site Plan	Prescott Architects	3/6/15
A2000	O	Ground Floor Plan	Prescott Architects	3/6/15
A2001	O	Level 1	Prescott Architects	3/6/15
A2002	O	Level 2	Prescott Architects	3/6/15

A2003	O	Roof Plan	Prescott Architects	3/6/15
A3100	O	North Elevation	Prescott Architects	3/6/15
A3101	O	East Elevation	Prescott Architects	3/6/15
A3102	O	South Elevation (Materials)	Prescott Architects	3/6/15
A3103	O	West Elevation	Prescott Architects	3/6/15
A3104	O	Material Board	Prescott Architects	3/6/15
A3200	O	Section AA	Prescott Architects	3/6/15
A3201	O	Section BB	Prescott Architects	3/6/15
A3202	O	Section CC	Prescott Architects	3/6/15
A3203	O	Section DD	Prescott Architects	3/6/15
A3204	O	Section EE	Prescott Architects	3/6/15
A3205	O	Section FF	Prescott Architects	3/6/15

Except as amended by the following plans that form part of Section 4.55 No. 359/14/3:

Dwg No.	Rev.	Date	Title	Drawn by	Received
A2000	R	27/2/19	Ground Floor Plan	Prescott Architects	27/2/19
A2001	R	27/2/19	Level 1	Prescott Architects	27/2/19
A3100	R	27/2/19	North Elevation	Prescott Architects	27/2/19
A3102	R	27/2/19	South Elevation (Materials)	Prescott Architects	27/2/19

Except as amended by the following plans that form part of Section 4.55 No. 359/14/4:

Dwg No.	Revision/ Issue	Date	Title	Drawn by	Received
A2000	S	30/9/19	Ground Floor Plan	Prescott Architects	16/10/19
A3102	S	30/9/19	Southern Elevation (Materials)	Prescott Architects	16/10/19
A3103	S	30/9/19	Western Elevations	Prescott Architects	16/10/19

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Reason for approval:

The proposed modification has been assessed against Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and found to be generally acceptable in the site circumstances.

The proposed modifications will provide improved residential amenity for the occupants of the dwelling and reduce overlooking for the adjoining property

The minor changes will not adversely impact the significance of the contributory item.

Consequently, the Section 4.55(1A) application is considered to be reasonable in the circumstances and it is recommended for **approval** subject to changes to the conditions of consent.

How community views were taken into account:

The proposed modifications are unlikely to offend the public interest for the reasons provided in the delegated report.

The conditions attached to the original consent for Development Application No. 359/14 by endorsed date of 5 August 2015 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Hugh Shouldice**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LUKE DONOVAN
A/TEAM LEADER (ASSESSMENTS)